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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/560,301 | 05/30/2007 | Jun-Keun Chang | LT00012 US | 3208 |
| 52059 7590 09/22/2010 LIFE TECHNOLOGIES CORPORATION C/O INTELLEVATE P.O. BOX 52050 MINNEAPOLIS, MN 55402 | | | EXAMINER | |
| | | | BEISNER, WILLIAM H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1797 | |
| | | | | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 09/22/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) | | | | |
|--|---|---|--|--|--|--|
| Office Action Comments | 10/560,301 | CHANG ET AL. | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | WILLIAM H. BEISNER | 1797 | | | | |
| The MAILING DATE of this communication app Period for Reply | ears on the cover sheet with the c | orrespondence address | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI | L. ely filed the mailing date of this communication. O (35 U.S.C. § 133). | | | | |
| Status | | | | | | |
| 1) Responsive to communication(s) filed on 12 Ma | av 2006 | | | | | |
| · <u> </u> | action is non-final. | | | | | |
| 3)☐ Since this application is in condition for allowan | | secution as to the merits is | | | | |
| closed in accordance with the practice under E | , | | | | | |
| | | | | | | |
| Disposition of Claims | | | | | | |
| 4) Claim(s) <u>18-47</u> is/are pending in the application | | | | | | |
| 4a) Of the above claim(s) is/are withdraw | vn from consideration. | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | |
| | Claim(s) is/are rejected. | | | | | |
| 7) Claim(s) is/are objected to. | | | | | | |
| 8)⊠ Claim(s) <u>18-47</u> are subject to restriction and/or | election requirement. | | | | | |
| Application Papers | | | | | | |
| 9)☐ The specification is objected to by the Examine | r. | | | | | |
| 10) The drawing(s) filed on is/are: a) acce | 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. | | | | | |
| Applicant may not request that any objection to the o | Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | | |
| Replacement drawing sheet(s) including the correcti | on is required if the drawing(s) is obj | ected to. See 37 CFR 1.121(d). | | | | |
| 11)☐ The oath or declaration is objected to by the Ex | aminer. Note the attached Office | Action or form PTO-152. | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12)☐ Acknowledgment is made of a claim for foreign a)☐ All b)☐ Some * c)☐ None of: | priority under 35 U.S.C. § 119(a) | -(d) or (f). | | | | |
| 1. Certified copies of the priority documents | s have been received. | | | | | |
| | | | | | | |
| 3. Copies of the certified copies of the prior | ity documents have been receive | d in this National Stage | | | | |
| application from the International Bureau | (PCT Rule 17.2(a)). | · · | | | | |
| * See the attached detailed Office action for a list of | of the certified copies not receive | d. | | | | |
| | | | | | | |
| Attachment(s) | | | | | | |
| 1) Notice of References Cited (PTO-892) | 4) Interview Summary | | | | | |
| Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) | Paper No(s)/Mail Da 5) Notice of Informal P | | | | | |
| Paper No(s)/Mail Date | 6) Other: | 11 | | | | |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 18-28 and 43-45, drawn to an electroporation device with a pressure device.

Group II, claim(s) 29-38, 46 and 47, drawn to an electroporation device with two reservoirs.

Group III, claim(s) 39-42, drawn to an electroporation method.

- 2. The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:
- 3. The pressure maintaining means feature required of the invention of Group I is not required of the inventions of Groups II and III; the second reservoir feature required of the invention of Group II is not required of the inventions of Groups I and III; and the application of electric pulses at both ends of a hollow member feature required of the invention of Group III is not required of the inventions of Groups I and II.

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4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention or species.

Should applicant traverse on the ground that the inventions have unity of invention (37 CFR 1.475(a)), applicant must provide reasons in support thereof. Applicant may submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. Where such evidence or admission is provided by applicant, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM H. BEISNER whose telephone number is (571)272-1269. The examiner can normally be reached on Tues. to Fri. and alt. Mon. from 6:15am to 3:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael A. Marcheschi, can be reached on 571-272-1374. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William H. Beisner/ Primary Examiner Art Unit 1797